

DD074B

Basic Requests

(1) Publish and keep up to date a list of all held in detention by security or military forces under procedures authorized by the state of siege declared November 6, 1974.

(2). Reinstitute humane and long-respected procedures, that is, regularized detention proceedings by which each person would be inscribed at the point of detention, families would be notified promptly and charges would promptly and publicly be laid.

(5) If you are holding people who have not been promptly charged, release them or, if this is preferable, permit them voluntarily to leave the country.

(7) Investigate and punish cases of torture or cruel, inhuman or degrading treatment or punishment. Such investigations should be conducted by persons unconnected with the detention process.

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

☒ Release ☐ Excise ☐ Deny

Exemption(s):

Declassify: ☐ In Part ☐ In Full☐ Classify as ☐ Extend as ☐ Downgrade toDate ☐ Declassify on ☐ Reason

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Overall considerations: Our goal should be to phrase each of our proposals so as to demonstrate to the GOA the utility -- from its standpoint of taking the suggested action. We want to emphasize the way in which each will strengthen the Argentine nation and respond to its critics -- without sounding patronizing.

(1) Publication of the lists. The problem of phrasing our approach on this issue is greatly reduced by the fact that the GOA already seems to be moving in the desired direction. However, while we understand they are now preparing lists of detainees, we do not know whether they intend to publish lists of all detainees or only those detained after a certain date. Under the circumstances, we would probably want to convey to the GOA our pleasure with the apparent progress which it is making toward publishing lists of detainees and add that we hope these lists will include the names of all detainees as they are detained -- an important step in our view toward regularizing the detention process.

(2) Regularization of detention procedures. Here we might argue that continued use of the military court system to prosecute subversives needlessly antagonizes potential supporters of the government's campaign against subversion and that there is no reason not to return to established legal procedures. We could point out that in most security cases the GOA seems

to have ample evidence to prosecute in open court and that in any event, under the National Security Laws, it has additional legal weapons to use against proven subversives. By prosecuting suspected subversives in military court where they have no legal guarantees, the GOA only contributes to the emotionalism which is tearing the country apart. Instead it should try to heal the wounds by returning to established legal procedures.

(3) Release or charge detainees. In this case, we should not appear to be supplying the GOA with a rigid answer to a painful problem -- detainees. Rather we should stress the existence of alternatives which the GOA could pursue that would answer its critics and contribute to the restoration of legal order in Argentina. Our basic point is that if detainees are not promptly charged, they should either be released or be permitted to seek and enjoy asylum abroad. With regard to the asylum question, we might ask the GOA to show the same style of pragmatism toward Argentine nationals as it has toward nationals of other South American countries in Argentina which have sought asylum elsewhere.

(4) Investigation of abuses. One of the arguments the GOA has used to justify its failure to prosecute human rights abuses by members of the security forces is that such action would demoralize them and greatly weaken the GOA's ability to defend

the nation against subversion. However, now that there is some consensus within the GOA that subversion is declining, the GOA must reexamine its priorities. Under the present circumstances, there is no excuse for encouraging immorality by not prosecuting official human rights violations. In other words, having now won part of its battle against subversion, the GOA must begin to correct abuses within its own camp if it is to preserve the country.

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FARMstrong/JBUchanan: fa